

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FERNANDO R. JIMENEZ,)	3:05-cv-00638-LRH-RAM
Plaintiff,)	
vs.)	<u>ORDER</u>
GREG COX, et al.,)	
Defendants.)	

Before this court is Report and Recommendation of U.S. Magistrate Robert A. McQuaid, Jr. (#89¹) entered on February 15, 2008, recommending denying Plaintiff's Motion for Court to Apply the Unconstitutional Conditions Doctrine to all Counts in the Second Amended Complaint (#58), denying Plaintiff's Motion for Court to Apply FRCP 10(c) to all Exhibits Relating to All Pleadings (#85), and granting in part and denying in part Defendants' Motion for Summary Judgment (#30). Defendants filed their Objections to U.S. Magistrate Judge's Report and Recommendation (#96) on March 17, 2008, Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (#98) on March 19, 2008, and his response to Defendants' Objections (#99) on March 31, 2008, and Defendants filed their response to Plaintiff's Objections (#103) on April 4, 2008, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 3-2 of the Rules of Practice of the United States District Court for the District of Nevada

The court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff, the pleadings and memoranda of the parties and other relevant matters

¹Refers to court's docket number.

1 of record pursuant to 28 U.S.C. § 636(b)(1) and Local Rule IB 3-2. The court determines that the
2 Magistrate Judge's Report and Recommendation (#89) entered on February 15, 2008, should be
3 adopted and accepted in the following parts:

4 The Magistrate Judge's Report and Recommendation (#89) entered on February 15, 2008,
5 is ADOPTED and ACCEPTED with respect to the denial of Plaintiff's Motion for Court to Serve
6 and Process 18 U.S.C. § 242 and 28 U.S.C. § 1442(a)(1) Notices for Federal Prosecution of all
7 Named Defendants (#43);

8 The Magistrate Judge's Report and Recommendation (#89) entered on February 15, 2008,
9 is ADOPTED and ACCEPTED with respect to the denial of Plaintiff's Motion for Court to
10 Apply the Unconstitutional Conditions Doctrine to all Counts in the Second Amended Complaint
11 (#58); and

12 The Magistrate Judge's Report and Recommendation (#89) entered on February 15, 2008,
13 is ADOPTED and ACCEPTED with respect to denying Plaintiff's Motion for Court to Apply
14 FRCP 10(c) to All Exhibits Relating to All Pleadings (#85).

15 IT IS SO ORDERED.

16 Remaining before the court is the Magistrate Judge's Report and Recommendation (#89)
17 entered on February 15, 2008, with respect to Defendants' Motion for Summary Judgment (#30).
18 The court anticipates a ruling upon the motion in the near future.

19 DATED this 30th day of September, 2008.



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23 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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